

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT

for

**Scoggins Creek Wildlife Habitat Enhancement Project
and Culvert Removal**

Environmental Assessment Number OR-086-02-01

USDI - Bureau of Land Management
Oregon State Office
Salem District
Tillamook Resource Area
Washington County, Oregon

BACKGROUND

On June 22, 2000, an IDT (interdisciplinary team) was formulated to analyze a proposal to conduct a density management thinning, wildlife habitat enhancement project and a watershed restoration project (culvert removal), on lands managed by the Tillamook Resource Area, Salem District, BLM (Bureau of Land Management). This Decision Record and Finding of No Significant Impact relate only to the **wildlife habitat enhancement project** proposed for 191 acres and the **culvert removal**. The areas in which the wildlife habitat enhancement project occur are either in older forest stands, riparian areas, or in younger forest stands that are not suitable for density management. The habitat enhancement project occurs within Township 1 South, Range 5 West, sections 1, 3, 5, 8, 9 and 15, W.M. (Willamette Meridian). The culvert removal occurs in Township 1 South, Range 5 West, section 1, W.M.. In response to this proposal an environmental analysis was conducted and documented in an EA¹ (environmental assessment) number OR-086-02-01, dated December 18, 2001. Addendum 1 contains the public comments received to EA OR-086-02-01.

A copy of the EA can be obtained from the Tillamook Field Office, 4610 Third Street, Tillamook, Oregon 97141. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

The decision to be made by the Tillamook Field Manager is whether or not to prepare an environmental impact statement, and whether to approve the wildlife habitat enhancement

¹ Environmental Assessment Number OR-086-02-01, dated December 18, 2001, contains the environmental analysis conducted for two projects, Scoggins Creek Density Management Thinning and Watershed Restoration Project and the Wildlife Habitat Enhancement Project. A decision was issued on June 21, 2002 for the Density Management Thinning and Watershed Restoration project.

project and culvert removal as proposed, not at all, or to some other extent.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the WA (*Upper Tualatin-Scoggins Watershed Analysis*), dated February 2000; LSRA (Late-Successional Reserve Assessment for Oregon's Northern Coast Range Adaptive Management Area), dated January, 1998; and the AMA Guide (Northern Coast Range Adaptive Management Area Guide), dated January, 1997; as well as the management direction contained in the RMP (Salem District Resource Management Plan), dated May, 1995, I have decided to implement the wildlife habitat enhancement project described in Alternative 2 and remove one 42" culvert described in Alternative 3. These actions are hereafter described as the "selected alternative."

The selected alternative consists of:

1. Conduct wildlife habitat enhancement on 191 acres. The treatment areas are in Township 1 South, Range 5 West, sections 1, 3, 5, 8, 9 and 15, W.M.. In general, this work will be done in older forest stands, or riparian areas that will not be treated with density management, or in younger forest stands that are not suitable for density management.
2. Depending on the site specific conditions one of the following treatment options will be implemented:
 - a. Snags will be created through girdling or by inoculation with heart rot.
 - b. Individual conifers will be released from competition by girdling or felling adjacent trees.
 - c. In some cases, a small "release patch" (opening) will be created around the release tree to add structural diversity and down wood to the stand.
3. All of the wildlife habitat enhancement treatments, including the portions within areas identified as helping to meet the 15% Retention Standard and Guideline, have been designed to promote the development of late-seral habitat, or to enhance the current quality of late-seral habitat by promoting the development of certain important habitat features.
4. Cut trees will not be removed from the project area.
5. Unit specific descriptions of Wildlife Habitat Enhancement projects that are selected for

implementation can be found in **Appendix 7** of EA # OR-086-02-01.

6. With the exception of unit W1-1, all of the projects which result in the generation of noise above the ambient level will be implemented between July 8 and February 28.
7. Within unit W1-1, work which results in the generation of noise above the ambient level or requires climbing more than 25 feet into the canopy, will be implemented between August 6 and February 28. Between August 6 and September 15, daily time restrictions will apply to work conducted in unit W1-1. Daily time restrictions will confine work to the period of time between two hours after sunrise and two hours before sunset.
8. No tree which appears potentially suitable as a nest tree for the spotted owl or marbled murrelet, or contains a suspected nest of any other bird or mammal will be cut, nor will any tree adjacent to a potentially suitable spotted owl or marbled murrelet nest tree or any tree containing a suspected nest of a bird or mammal.
9. Within unit W1-1, lichen surveys for *Pseudosiphellaria rainerensis* and *Platismatia lacunosa* will be completed in conjunction with tree selection, specifically on trees that will be felled in the wildlife enhancement project areas *or* depending on funding and other workload activities, botanical surveys will be conducted to protocol within unit W1-1. Necessary botanical surveys have been completed to protocol(s) for other units. Bryophyte, vascular plant and noxious weed surveys are not required in the wildlife enhancement areas of the project.
10. Within unit W1-1, trees will be selected and felled in such a way as to avoid impacting existing decay class 3, 4, and 5 down woody debris which is greater than 15 inches in diameter. A qualified field botanist, biologist, or other trained staff will be involved in selecting all trees to be felled or girdled, *or* depending on funding and other workload activities, botanical surveys will be conducted to protocol within unit W1-1.
11. No potentially suitable murrelet nest trees will be felled as a part of the Scoggins Creek wildlife habitat enhancement project and where possible, no openings will be created within one tree length surrounding a potential murrelet nest tree.
12. Any newly discovered (as per the Pacific Seabird Group Marbled Murrelet Technical Committee protocol) marbled murrelet sites will be protected by a 0.5 mile radius buffer on all contiguous existing and recruitment federal habitat.
13. A 42" culvert will be removed in Township 1 South, Range 5 West, section 1, W.M..

14. For the culvert removal the work will be completed between August 6th and September 30. All work which will result in the generation of noise above the ambient level between August 6 and September 15 will incorporate daily time restrictions limiting work to the period between two hours after sunrise to two hours before sunset.
15. Any trees that need to be felled to remove the culvert in T1S, R5W Section 1 will be retained on site. No trees that are potentially suitable as nest trees for spotted owls, marbled murrelet or bald eagles will be felled.
16. Prior to entering the culvert removal project area each work season, or before returning to the watershed after leaving it, any heavy machinery (with the exception of vehicles used for daily personnel travel) will have all dirt and adhering vegetation cleaned from it to prevent the spread of noxious and/or invasive weeds.
17. **Refuel power equipment at least 150 feet distant from water bodies to prevent direct delivery of contaminants into a water body.**

ALTERNATIVES CONSIDERED

In addition to the “proposed action” alternative and the procedurally required “no action” alternative, the IDT formulated one additional alternative to address the major issue associated with density management (i.e., soil issue) raised during scoping. A description of the alternative development process and a complete description of the alternatives analyzed in detail are contained in the EA, pp 8 - 24.

REASONS FOR THE DECISION

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the WA, LSRA and AMA Guide, and the management direction contained in the RMP, I have decided to implement the selected alternative as described above. My rationale for this decision follows:

18. The selected alternative addresses the identified purpose and need for action and fulfills the project objectives as stated on page 5 of the EA. This alternative will help accelerate the development of some late-successional forest characteristics, as well as preserving the desirable features currently existing (EA Chapter 4; Appendix 7). The project will also help provide social and economic benefits to local communities through expending contract dollars to accomplish large portions of the project, which is also an objective for AMA lands (EA Chapter 1). The “no-action” alternative was not selected because it does not meet the purpose

and need, nor does it fulfill any of the project objectives. Implementing the “no-action” alternative would not help accelerate late-successional forest characteristics, nor would it contribute economic benefits to local communities, nor would it remove an unneeded culvert.

19. Alternative 3 also fulfills the purpose and need for the wildlife habitat enhancement action. However it could not be selected because portions of the project area would occur in the same pieces of land in which it has already been decided to do density management.²
20. The selected alternative is consistent with applicable land use plans, policies, and programs (EA, pp. 73-76).
21. Public comment to the EA and preliminary FONSI (Finding of No Significant Impact) did not identify any concerns with the implementation of the wildlife habitat enhancement project or culvert removal.

PUBLIC INVOLVEMENT

In compliance with the National Environmental Policy Act of 1969 (NEPA), the proposed action was listed in the June, September and December 2000; March, July, and September 2001; and April 2002 edition of the quarterly Salem District Project Update which were mailed to over 1,000 addresses. A letter was mailed on October 5, 2000 to 120 potentially affected and/or interested individuals, groups, and agencies (Project Record, Document #27 and #28). A presentation was also given to the Tualatin Watershed Council meeting on November 7, 2000, which was attended by nineteen people (Project Record, Document #36). A total of two letters were received as a result of this scoping (Project Record, Documents #32, #35). Two additional project non-specific letters were received on March 28, 2000 and July 11, 2000 (Project Record, Document #10 and #20) which referenced a number of questions located at an e-mail address. All public input was assigned a number and filed in the Project Record. The IDT reviewed, clarified, and assessed the public comments. The disposition of those comments are contained in Appendix 1 of the EA.

²Environmental Assessment Number OR-086-02-01, dated December 18, 2001, contains the environmental analysis conducted for two projects, Scoggins Creek Density Management Thinning and Watershed Restoration Project and the Wildlife Habitat Enhancement Project. A decision was issued on June 21, 2002 for the Density Management Thinning and Watershed Restoration project.

On December 21, 2001, a pre-decision letter, along with a copy of the EA and a preliminary FONSI (Finding of No Significant Impact), were sent to 11 individuals, groups and agencies that had expressed an interest in the project (Project Record, Document # 88). Also, a legal notice requesting public comment to the EA and preliminary FONSI appeared in the *Headlight Herald*, newspaper of Tillamook, and the *Forest Grove News-Times* (Project Record, Document #90). The EA and preliminary FONSI were released for public comment from December 21, 2001 to January 25, 2002. As a result of this scoping, two letters were received (Project Record Documents #96 and #97). All public input was assigned a number and filed in the Project Record. There were no comments received for the wildlife habitat enhancement and culvert removal project³.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and supporting project record, I have determined that the selected alternative is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The proposed action is a site-specific action directly involving 191 acres of BLM administered land, and one 42" culvert that by itself does not have international, national, region-wide, or state-wide importance. The project area does not have designated critical habitat for the Upper Willamette steelhead and Upper Willamette chinook salmon. The project area is not within designated spotted owl or marbled murrelet critical habitat nor a spotted owl RPA (Reserve Pair Area). The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter 4 of the EA details the effects of the selected alternative. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the FEIS (Salem District Resource Management Plan Final Environmental Impact Statement), dated September 1994.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

³ Comments received were specific to the Density Management Thinning and Watershed Restoration project and are contained in Addendum 1 to EA # OR-086-02-01. A decision for the Density Management Thinning and Watershed Restoration project was issued on June 21, 2002.

1. Impacts may be both beneficial and adverse. Due to the selected alternative's design features, the predicted effects, most noteworthy, include: 1/ acceleration of the development of some late-successional forest structural features on about 191 acres using various methods of habitat enhancement; 2/ enhancement of the overall level of diversity in the area; and 3/ restoration and maintenance of the ACS (Aquatic Conservation Strategy) objectives.

None of the environmental effects disclosed above and discussed in detail in Chapter 4 of the EA and associated appendices are considered significant, nor do the effects exceed those described in the FEIS.

2. The degree to which the selected alternative will affect public health or safety. Public health and safety were not identified as an issue. The selected alternative is comparable to other wildlife habitat enhancement projects and culvert removals which have occurred within the Salem District with no unusual health or safety concerns.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, or wildernesses located within the project area (EA, Appendix 3). The project area is located within the Adaptive Management Area and Riparian Reserve land use allocations, as identified in the RMP. Activities associated with the selected alternative are predicted to accelerate the development of some late-successional forest structural features, and will contribute to the attainment of ACS objectives.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. Extensive scoping of the EA and preliminary FONSI did not result in comments to the selected alternative. The effects of the selected alternative on the quality of the human environment were adequately understood by the interdisciplinary team to provide an environmental analysis. A complete disclosure of the predicted effects of the selected alternative is contained in Chapter 4 of the EA and associated appendices.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The selected alternative is not unique or unusual. The BLM has experience implementing similar actions in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant

effects or represents a decision in principle about a future consideration. The selected alternative does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. The selected alternative accelerates the development of some wildlife habitat features on 191 acres, and replaces one 42" culvert on land managed by the BLM. Any future projects will be evaluated through the NEPA process and will stand on their own as to environmental effects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The interdisciplinary team evaluated the selected alternative in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the selected alternative is contained in Chapter 4 of the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The selected alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the selected alternative cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 4).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. The selected alternative is consistent with and is included within the February 25, 2003 Programmatic Biological Opinion prepared by NOAA Fisheries pursuant to section 7 of the Endangered Species Act (NOAA Fisheries reference 2002/01880 BLM). If the NOAA Fisheries Biological Opinion previously noted should expire prior to project implementation, the intent would be to include the project within the subsequent Programmatic Consultation covering that type of project. See Chapter 4 of the EA for details of the ESA effect findings for the Upper Willamette steelhead and Upper Willamette chinook salmon.

USFWS (United States Fish and Wildlife Service) Consultation was completed by including the Scoggins Creek Wildlife Habitat Enhancement Project in the Programmatic Consultation for the North Coast Province for FY 2003 and 2004 Habitat Modification Projects [USFWS reference 1-7-02-F-958]. Consultation on the culvert removal was completed by including the project within the Programmatic Consultation for FY 2002 and 2003 Projects within the North Coast Province which might Disturb Bald Eagles, Northern Spotted Owls and Marbled Murrelets [USFWS reference 1-7-02-F-422]. If the pertinent USFWS Biological Opinion(s) noted above should expire prior to project implementation, the intent would be to include the project within the subsequent Programmatic Consultation covering that type of project. See Chapter 4 and Appendix 7 of the EA for the details of the ESA effect findings for the marbled murrelet and northern spotted owl.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The selected alternative does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Coastal Zone Management Act, Executive Order 12898 (Environmental Justice), and Executive Order 13212 (Adverse Energy Impact). State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the selected alternative is

consistent with applicable land management plans, policies, and programs.

PROTEST PROVISIONS

This decision is subject to protest by the public. To protest this decision a person must submit a written protest to Dana Shuford, Tillamook Field Manager, 4610 Third Street, Tillamook, Oregon 97141 by the close of business (4:00 p.m.) on March 27, 2003. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

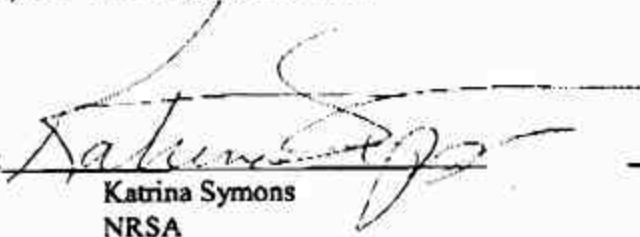
IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 P.M.) on March 27, 2003, this decision will become final and will be implemented as soon as project funding becomes available. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and a final decision will be issued which will be implemented in accordance with 43 CFR Part 4.

CONTACT PERSON

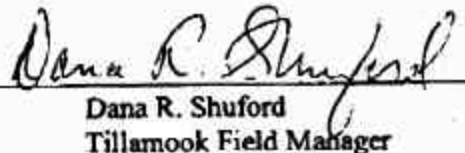
For additional information concerning this decision or the BLM administrative review process, contact Carolina Hooper, Tillamook Field Office, 4610 Third Street, Tillamook Oregon 97141; telephone (503) 815-1119 or (503) 315-5927.

Reviewed By:


Katrina Symons
NRSA

3/4/03
Date

Approved By:


Dana R. Shuford
Tillamook Field Manager

3-5-03
Date